

Office of the  
Legislative Fiscal Analyst

## **FY 2004 Budget Recommendations**

Joint Appropriations Subcommittee for  
Executive Offices and Criminal Justice

**Attorney General**

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## 1.0 Attorney General

The Attorney General's Office is charged by the Utah Constitution with the exclusive responsibility to act as legal advisor to the Governor and all of the executive branch agencies. The Attorney General must also prosecute or defend, in federal and State courts, all cases where the State of Utah or any of its officers, boards or commissions is a party.

	<b>Analyst FY 2004 Base</b>	<b>Analyst FY 2004 Changes</b>	<b>Analyst FY 2004 Total</b>
<b>Financing</b>			
General Fund	16,898,700	(26,300)	16,872,400
General Fund Restricted	1,108,000		1,108,000
Federal Funds	1,240,300		1,240,300
Dedicated Credits	11,615,800		11,615,800
Trust and Agency Funds	252,100		252,100
Transfers	37,200		37,200
Beginning Balance	900,000		900,000
<b>Total</b>	<b>\$32,052,100</b>	<b>(\$26,300)</b>	<b>\$32,025,800</b>
<b>Programs</b>			
Attorney General	28,829,100	(26,300)	28,802,800
Contract Attorneys	300,000		300,000
Children's Justice Centers	2,170,200		2,170,200
Prosecution Council	530,700		530,700
Domestic Violence	78,500		78,500
Obscenity and Pornography Ombudsman	143,600		143,600
<b>Total</b>	<b>\$32,052,100</b>	<b>(\$26,300)</b>	<b>\$32,025,800</b>
<b>FTE/Other</b>			
Total FTE	391.8	0.0	391.8
Vehicles	30.0	0.0	30.0

## **2.0 Issues: Attorney General**

### **2.1 FY 2004 Budget**

The Analyst FY 2004 budget recommendation includes the following items:

- Adjustment for FY 2003 one-time programs;
- Adjustment for December 18, 2002 Special Session reduction
- Adjustment for Retirement Rate reduction; and
- Adjustment for mandated IT Savings reduction from the 2002 General Session.

### **2.2 Obscenity and Pornography Complaints Ombudsman**

The Attorney General released the Obscenity and Pornography Complaints Ombudsman from employment effective May 1, 2003. This program is a separate line item, and has \$143,600 in General Funds budgeted for FY 2004.

### **2.3 Transfer of Department of Insurance Attorney to the Attorney General's Office**

Statute provides that, "Except where specifically authorized by the Utah Constitution, or statutes, no agency shall hire legal counsel, and the attorney general alone shall have the sole right to hire legal counsel for each such agency. Where the Legislature has provided by statute for separate agency counsel, no such counsel may act as an assistant attorney general nor as a special assistant attorney general unless the attorney general shall so authorize. Unless he hires such legal counsel from outside his office, the attorney general shall remain the sole legal counsel for that agency. If outside counsel is hired for an agency, then the costs of any services to be rendered by this counsel shall be approved by the attorney general before these costs are incurred. The attorney general shall approve all billing statements from outside counsel and shall pay the full costs of this counsel unless the agency by legislative appropriation or in the form of costs, fees, fines, penalties, forfeitures or proceeds reserved or designated for the payment of legal fees receives from any other source the equivalent cost or a portion thereof, in which case the attorney general may bill the agency for the services; provided, the agency may deduct any unreimbursed costs and expenses incurred by the agency in connection with the legal service rendered." (See Utah Code Unannotated 2002: 67-5-5.)

In accordance with this statute, the in-house counsel for the Department of Insurance has become an assistant attorney general effective January 4, 2003. Consequently, both departments are requesting an FY 2004 General Fund budget transfer of \$77,300 (the cost of the attorney's salary and benefits) from the Department of Insurance to the Attorney General's Office.

To cover the cost of the in-house counsel's personal services costs for the balance of FY 2003, both departments request an FY 2003 supplemental appropriation of \$38,600 to the Attorney General and an offsetting negative appropriation of \$38,600 to the Insurance Department.

## 2.4 Nonlapsing Intent Language

The Analyst recommends the following intent:

*It is the intent of the Legislature that funding for Contract Attorneys be appropriated as a separate line item.*

*It is the intent of the Legislature that funding for Anti-Trust Prosecution be appropriated as a program within the Attorney General's Office main line item.*

*It is the intent of the Legislature that funding for Child Protection be appropriated as a program within the Attorney General's Office main line item.*

*It is the intent of the Legislature that funding for the Attorney General's Office be nonlapsing.*

*It is the intent of the Legislature that funding for Children's Justice Centers be nonlapsing.*

*It is the intent of the Legislature that funding for Contract Attorneys be nonlapsing.*

*It is the intent of the Legislature that funding for the Prosecution Council be nonlapsing.*

*It is the intent of the Legislature that funding for prevention of Domestic Violence be nonlapsing.*

### 3.1 Administration

#### Recommendation

The Analyst recommends \$1,206,200 for Administration.

	2002 Actual	2003 Estimated	2004 Analyst	Est/Analyst Difference
<b>Financing</b>				
General Fund	2,193,400	2,188,400	1,206,200	(982,200)
General Fund, One-time		200,000		(200,000)
Transfers - Commission on Criminal and	4,500			
Beginning Nonlapsing	800	1,200		(1,200)
Closing Nonlapsing	(1,200)			
<b>Total</b>	<b>\$2,197,500</b>	<b>\$2,389,600</b>	<b>\$1,206,200</b>	<b>(\$1,183,400)</b>
<b>Expenditures</b>				
Personal Services	1,568,500	1,883,100	1,117,200	(765,900)
In-State Travel	2,900	2,900	1,400	(1,500)
Out of State Travel	12,400	12,300	15,500	3,200
Current Expense	572,800	450,400	49,800	(400,600)
DP Current Expense	40,900	40,900	22,300	(18,600)
<b>Total</b>	<b>\$2,197,500</b>	<b>\$2,389,600</b>	<b>\$1,206,200</b>	<b>(\$1,183,400)</b>
<b>FTE/Other</b>				
Total FTE	29.5	29.5	29.5	0.0
Vehicles	2.0	2.0	2.0	0.0

\*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency.

#### Purpose

The Administration coordinates and supervises the work of attorneys, directs prosecutorial efforts on a State level, and provides all central services for the office. These services include fiscal, budgetary, computer, facilities and personnel matters as well as acquisitions and other expenditures.

### 3.2 Public Advocacy

The Analyst recommends \$6,958,800 for Public Advocacy.

	2002 Actual	2003 Estimated	2004 Analyst	Est/Analyst Difference
<b>Financing</b>				
General Fund	4,843,600	5,244,000	4,563,100	(680,900)
Federal Funds	663,200	1,106,000	1,106,000	
Dedicated Credits Revenue	1,193,900	1,069,700	1,289,700	220,000
Transfers - Other Agencies	105,800			
Beginning Nonlapsing	73,800	2,100		(2,100)
Closing Nonlapsing	(2,100)			
<b>Total</b>	<b>\$6,878,200</b>	<b>\$7,421,800</b>	<b>\$6,958,800</b>	<b>(\$463,000)</b>
<b>Expenditures</b>				
Personal Services	6,132,300	6,764,000	6,433,800	(330,200)
In-State Travel	29,600	29,600	29,600	
Out of State Travel	41,600	41,600	45,300	3,700
Current Expense	623,900	421,400	304,900	(116,500)
DP Current Expense	50,800	165,200	145,200	(20,000)
<b>Total</b>	<b>\$6,878,200</b>	<b>\$7,421,800</b>	<b>\$6,958,800</b>	<b>(\$463,000)</b>
<b>FTE/Other</b>				
Total FTE	96.5	96.5	96.5	0.0
Vehicles	27.0	27.0	27.0	0.0

\*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency.

#### Purpose

Public Advocacy consists of four divisions: Tax and Revenue, Criminal (including investigators), Environment and Consumer Rights. Unlike the State Counsel functions, this program focuses on regulatory functions and prosecutorial activities.

#### Tax and Revenue

The attorneys of the Tax and Revenue Division provide support to the State Tax Commission, State Insurance Department, Department of Financial Institutions, and state entities that issue bonds. They insure that Utah's monetary assets are defended against those who would avoid paying their fair share of taxes due. The state's vigilant efforts to audit and collect taxes from all that owe assure each taxpayer a fair but not excessive burden. They also represent the agencies that regulate insurance companies and financial institutions, so our citizens have the insurance and protection of deposits they expect. They also represent State entities issuing general obligations and revenue bonds to be certain that amounts and conditions imposed by the Legislature are observed.

**Criminal**

The Division has extensive experience in criminal prosecutions, with special expertise in homicide and public corruption cases. They investigate and prosecute crimes when county attorneys are disqualified or need additional resources; assist county attorneys throughout the state with other major prosecutions; review and investigate and respond to complaints and inquiries from law enforcement agencies, citizens, and legislators; provide assistance to state and federal agencies. The Division incorporates prosecutors specializing in insurance fraud, narcotics enforcement, medicaid fraud, welfare fraud, criminal nonsupport, financial crimes and money laundering.

**Environment**

The Environment Division provides legal support to the Utah Department of Environmental Quality (DEQ). The Divisions objectives include protection of the Utah environment against those who would pollute or otherwise destroy it. Major programs implemented are in the areas of air quality plans and permitting, hazardous waste treatment and disposal, leaking underground storage tanks, historical hazardous substances disposal/superfund sites, surface water and groundwater protection, drinking water, and radiation. The Environment Division is also responsible for investigation of environmental crimes and coordination with local and federal law enforcement officials.

**Consumer Rights**

The attorneys of this division represent the Department of Commerce; specifically Division of Occupational and Professional Licensing (which licenses over 50 professions in the state), Division of Real Estate (which licenses real estate agents and brokers and appraisers), Division of Securities (which licenses stockbrokers and agents), Division of Consumer Protection, and Division of Corporations. This division of the Attorney General's Office enforces antitrust laws and participates in multi-state antitrust enforcement. It criminally and civilly prosecutes securities, consumer, and other white collar fraud cases.



### 3.3 Water Rights Adjudication

**Recommendation**      The Analyst recommends \$147,400 for Water Rights Adjudication.

	2002 Actual	2003 Estimated	2004 Analyst	Est/Analyst Difference
<b>Financing</b>				
General Fund	146,800	129,700	147,400	17,700
Beginning Nonlapsing	6,800	1,000		(1,000)
Closing Nonlapsing	(1,000)			
<b>Total</b>	<b>\$152,600</b>	<b>\$130,700</b>	<b>\$147,400</b>	<b>\$16,700</b>
<b>Expenditures</b>				
Personal Services	145,500	123,500	140,200	16,700
Out of State Travel	500	600	600	
Current Expense	5,200	5,200	5,200	
DP Current Expense	1,400	1,400	1,400	
<b>Total</b>	<b>\$152,600</b>	<b>\$130,700</b>	<b>\$147,400</b>	<b>\$16,700</b>
<b>FTE/Other</b>				
Total FTE	2.0	2.0	2.0	0.0
*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency.				

#### Purpose

This program consists of two attorneys working full time with the State Engineer's Office of Water Rights Adjudication. In addition, the two general fund attorneys in the Natural Resources Division who are assigned to the State Engineer's Office also devote significant time to this effort. The program was set up by the Legislature to insure that at least two attorneys are working full time on these adjudications.

The water adjudication attorneys work with the State Engineer's staff in preparing recommendations to the various district courts on pending adjudication actions. Where disputes over those recommendations arise, the attorneys prepare answers and litigate or negotiate settlements of the various disputes. The adjudication of the tens of thousands of water rights throughout the State will provide certainty over water rights for thousands of water users.

The general adjudication process also includes the various reserved water rights claims of the United States, including reserved water rights for Indian reservations, national parks and monuments, national wildlife refuges and forest service lands. Under federal law, these claims must be adjudicated in State court as part of the general adjudications process.

### 3.4 State Counsel

#### Recommendation

The Analyst recommends \$14,277,500 for State Counsel.

	2002	2003	2004	Est/Analyst
	Actual	Estimated	Analyst	Difference
<b>Financing</b>				
General Fund	5,007,200	4,171,700	5,015,400	843,700
Dedicated Credits Revenue	8,726,100	8,726,100	8,726,100	
GFR - Commerce Service	429,000	434,400	436,000	1,600
GFR - Tobacco Settlement	100,000	100,000	100,000	
Transfers - Other Agencies	38,100			
Beginning Nonlapsing	231,700	2,700		(2,700)
Closing Nonlapsing	(2,700)			
<b>Total</b>	<b>\$14,529,400</b>	<b>\$13,434,900</b>	<b>\$14,277,500</b>	<b>\$842,600</b>
<b>Expenditures</b>				
Personal Services	13,041,200	12,395,400	13,285,700	890,300
In-State Travel	20,500	20,500	20,500	
Out of State Travel	23,700	23,700	24,200	500
Current Expense	970,100	747,500	776,600	29,100
DP Current Expense	473,900	247,800	170,500	(77,300)
<b>Total</b>	<b>\$14,529,400</b>	<b>\$13,434,900</b>	<b>\$14,277,500</b>	<b>\$842,600</b>
<b>FTE/Other</b>				
Total FTE	177.0	177.0	177.0	0.0

\*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency.

#### Purpose

There are six divisions within the State Counsel section: Child and Family Support, State Agency Counsel, Education, Appeals, Natural Resources and Litigation. The functions of this Department involve advising state agencies and defending these agencies against pending litigation.

#### Child and Family Support Division

The **Child and Family Support Division** serves as legal counsel to the Office of Recovery Services (ORS) and the Department of Health (DOH).

As counsel to ORS, the Division assists in carrying out federally mandated services such as establishing paternity, establishing child support obligations, modifying support orders, enforcing support orders in the state and establishing and enforcing support orders from other states and countries. With welfare reform limiting the period in which a custodial parent can receive financial assistance, it becomes crucial that child support is paid. The division also handles appeals for ORS.

The Division also recoups Medicaid funds and TANF funds which are improperly received, and recovers Medicaid funds from liable third parties.

For the Department of Health, the Office provides legal advice on a variety of legal issues, including: Medicaid eligibility; contract disputes, health care facility licensing and program compliance; records access, including confidentiality issues. The Division also appears as counsel in administrative hearings to determine Medicaid and UMAP (Utah Medical Assistance Program) eligibility.

**State Agency Counsel:** The State Agency Counsel Division provides legal advice and representation to 36 state agencies.

**Education:** The Education Division provides legal counsel to the State Board of Regents and the nine state higher educational institutions, and also the State Board of Education and the various state public education entities under its direct control and supervision. The Division provides attorneys to handle legal issues such as civil rights, employment disputes, collections, contracts, torts, real property, copyright and patent, and compliance with state and federal statutory and regulatory requirements.

**Appeals:** The Appeals Division handles the following types of cases:

- ▶ all direct appeals involving state capital homicide convictions;
- ▶ all direct appeals involving state felony conviction and sentences;
- ▶ all interlocutory appeals involving pre-conviction rulings in state felony or capital homicide cases;
- ▶ all direct and interlocutory appeals involving Serious Youth Offenders;
- ▶ all direct and interlocutory appeals from juvenile court involving juveniles retained in juvenile court but charged or adjudicated guilty of an offense which would be a felony if committed by an adult;
- ▶ all State's appeals of dismissals or other termination of felony prosecutions, typically from pretrial dismissal of a felony information or suppression of evidence;
- ▶ all post-conviction state trial proceedings under rule 65c, Utah Rules of Civil Procedure, in which a convicted felon or capital murderer collaterally challenges his conviction or sentence;
- ▶ all direct appeals of state post-convictions proceedings;
- ▶ all habeas corpus federal trial proceedings in which state-convicted felons or capital murderers collaterally challenge their convictions in de novo federal proceedings;
- ▶ all direct appeals of federal habeas corpus proceedings;
- ▶ all petitions for certiorari review filed in the United States Supreme Court involving state felony or capital homicide convictions;
- ▶ all rule 23B, Utah Rules of Appellate procedure, proceedings in district and appellate courts (evidentiary proceedings involving claims of ineffective assistance of counsel) involving felony or capital homicide convictions;
- ▶ all petitions for release of convicted felons, petitions for certificates of probable cause, filed in appellate courts;
- ▶ All summary disposition appellate proceedings involving felons.

In addition, the Criminal Appeals Division consults and otherwise assists trial prosecutors throughout the state on a regular basis in capital murder trials, search and seizure cases, and other major trials involving complex evidentiary or constitutional issues. This includes weekly requests for research, requests for help in preparing memorandums, requests for review of district court rulings, assistance in preparing jury instructions, and advice on the admissibility of evidence during trials.

The Division regularly participates in providing training to trial prosecutors, as well as police and probation officers, through the SWAP and other educational forums. They have also developed a computerized index of major Utah and U.S. Supreme Court cases which prosecutors throughout the State may use for quick research and reference through the AG Internet page.

The appellate courts insist on very tight deadlines, with priority given to capital murder and imprisoned defendants. The appellate courts are extremely reluctant to grant more than one 30-day extension to the State in submitting a brief. The Rules of Appellate Procedure permit the appellate court to refuse to accept a late-filed brief or to prohibit the State from orally arguing a case in which a brief was submitted as little as one day late.

**Natural Resources:** This division provides legal and litigation support to Utah Department of Natural Resources and its various divisions: The Division also represents the State in matters of Indian Law.

**Litigation:** The Litigation division defends lawsuits against the State, its agencies, school districts and employees from lawsuits involving claims for damages. These cases typically involve civil rights, employment matters and personal injury claims. The Division also acts as agency counsel for Risk Management; and handles most of the office's civil appeals.

### 3.5 Contract Attorneys

#### Recommendation

The Analyst recommends \$300,000 for Contract Attorneys.

	2002 Actual	2003 Estimated	2004 Analyst	Est/Analyst Difference
<b>Financing</b>				
General Fund	624,300			
Dedicated Credits Revenue	643,800	300,000	300,000	
GFR - Tobacco Settlement	180,800			
Beginning Nonlapsing	(805,100)			
<b>Total</b>	<u>\$643,800</u>	<u>\$300,000</u>	<u>\$300,000</u>	<u>\$0</u>
<b>Expenditures</b>				
Current Expense	643,800	300,000	300,000	
<b>Total</b>	<u>\$643,800</u>	<u>\$300,000</u>	<u>\$300,000</u>	<u>\$0</u>
<b>FTE/Other</b>				
*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency.				

#### Purpose

This program is used to record the costs of outside contract attorneys used through the state. Agencies desiring outside counsel approved by the Attorney General have expenses paid from this fund and must reimburse the fund in full.

### 3.6 Children's Justice

#### Recommendation

The Analyst recommends \$746,800 for Children's Justice.

	2002 Actual	2003 Estimated	2004 Analyst	Est/Analyst Difference
<b>Financing</b>				
General Fund	939,000	429,700	734,800	305,100
Federal Funds		12,000	12,000	
Transfers - Other Agencies	100			
Beginning Nonlapsing	100	1,900		(1,900)
Closing Nonlapsing	(1,900)			
<b>Total</b>	<b>\$937,300</b>	<b>\$443,600</b>	<b>\$746,800</b>	<b>\$303,200</b>
<b>Expenditures</b>				
Personal Services	880,600	386,600	691,400	304,800
In-State Travel	4,100	4,100	4,100	
Out of State Travel	1,400	1,400	1,400	
Current Expense	44,000	44,300	42,700	(1,600)
DP Current Expense	7,200	7,200	7,200	
<b>Total</b>	<b>\$937,300</b>	<b>\$443,600</b>	<b>\$746,800</b>	<b>\$303,200</b>
<b>FTE/Other</b>				
Total FTE	5.8	5.8	5.8	0.0
Vehicles	1.0	1.0	1.0	0.0

\*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency.

#### Purpose

The division provides advice expertise and training on criminal prosecution of child abuse to prosecutors and investigators throughout the state who need technical or hands on assistance in investigation and prosecuting child abuse cases. The attorneys often act as co-counsel with local prosecutors on complex, multi-jurisdictional, or conflict of interest child abuse cases. Frequently, an attorney from the division will assume complete control of a case.

The division is also responsible for coordination of the Children's Justice Center program and staff support to the State Advisory Board on Children's Justice. One division attorney provides domestic violence training throughout the state to prosecutors, law enforcement officials, DCFS employees and other professionals. This attorney also prepares and updates a domestic violence manual. A division attorney represents the Division of Youth Corrections.

The division employs forensic investigators who investigate allegations of abuse or neglect committed by foster parents or other licensed providers against children in DCFS custody. Division attorneys draft legislation in the areas of child abuse, domestic violence and elder abuse. They participate as members of Primary Children's Medical Center Child Protection Team, the state Child Fatality Review Committee, the state Domestic Violence Advisory Council, the Domestic Violence Governmental Affairs Subcommittee, the Governors Cabinet Council on Domestic Violence, the Disproportionate Minority Confinement Task force, American Professional Society for the Abuse of Children, Child Abuse and Neglect Advisory Council and other State committees related to child abuse and domestic violence.

### 3.7 Prosecution Council

#### Recommendation

The Analyst recommends \$530,700 for the Prosecution Council.

	2002 Actual	2003 Estimated	2004 Analyst	Est/Analyst Difference
<b>Financing</b>				
GFR - Public Safety Support	489,500	493,500	493,500	
Transfers - Commission on Criminal and	24,800	37,200	37,200	
Beginning Nonlapsing	600	57,800		(57,800)
Closing Nonlapsing	(57,800)			
Lapsing Balance	(31,600)			
<b>Total</b>	<b>\$425,500</b>	<b>\$588,500</b>	<b>\$530,700</b>	<b>(\$57,800)</b>
<b>Expenditures</b>				
Personal Services	274,000	315,900	316,900	1,000
In-State Travel	33,100	34,100	34,100	
Out of State Travel	11,800	12,800	12,800	
Current Expense	99,900	158,000	148,300	(9,700)
DP Current Expense	6,700	67,700	18,600	(49,100)
<b>Total</b>	<b>\$425,500</b>	<b>\$588,500</b>	<b>\$530,700</b>	<b>(\$57,800)</b>
<b>FTE/Other</b>				
Total FTE	4.5	4.5	4.5	0.0

\*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency.

#### Purpose

The Prosecution Council was created by legislative act in 1990. The statutory charge of the council is to “(a) provide training and continuing legal education for the State and local prosecutors; (b) provide assistance to local prosecutors; and (c) as funds are available provide reimbursement for unusual expenses relative to prosecution for violations of State Laws.” The council is funded from the Public Safety Support Fund.

The Prosecution Council, though housed in the Attorney General’s office for administrative purposes, has a separate, statutorily created Charter and Board of Directors to whom the UPC Director and staff are responsible. The AG’s office provides budgeting and accounting support and day-to-day management supervision through the Criminal Division.

UPC Staff are coordinators for the Interstate Agreement on Detainers and the Uniform Criminal Extradition Act. In that capacity they review extradition cases on behalf of the Attorney General’s Office and advises the Governor’s Extradition’s Coordinator on legal matters concerning extradition.



### 3.8 Domestic Violence

#### Recommendation

The Analyst recommends \$78,500 for Domestic Violence prosecution.

	2002 Actual	2003 Estimated	2004 Analyst	Est/Analyst Difference
<b>Financing</b>				
GFR - Domestic Violence	77,700	78,500	78,500	
Beginning Nonlapsing	7,200	500		(500)
Closing Nonlapsing	(500)			
<b>Total</b>	<b>\$84,400</b>	<b>\$79,000</b>	<b>\$78,500</b>	<b>(\$500)</b>
<b>Expenditures</b>				
Personal Services	74,200	68,800	68,300	(500)
In-State Travel	1,000	1,000	1,000	
Out of State Travel	200	200	200	
Current Expense	9,000	9,000	9,000	
<b>Total</b>	<b>\$84,400</b>	<b>\$79,000</b>	<b>\$78,500</b>	<b>(\$500)</b>
<b>FTE/Other</b>				
Total FTE	1.0	1.0	1.0	0.0
*General and school funds as revised by Supplemental Bills 1-V, 2002 General and Special Sessions. Other funds as estimated by agency.				

#### Purpose

The legislature provides funding for the training of municipal and county prosecutors in the prosecution of domestic violence offenses. Responsibility for the administration of the training effort was given to the Attorney General. Funding for the program is .05 percent of the Criminal Fine Surcharge Account. Since 1991, Utah Prosecution Council has sponsored an annual, multi disciplinary Domestic Violence Conference at which prosecutors meet and confer with domestic violence professionals from other agencies.

### 3.9 Child Protection

#### Recommendation

The Analyst recommends \$5,214,000 for Child Protection.

	2002 Actual	2003 Estimated	2004 Analyst	Est/Analyst Difference
<b>Financing</b>				
General Fund	2,953,300	2,543,700	3,014,000	470,300
General Fund, One-time		400,200		(400,200)
Dedicated Credits Revenue	2,115,500	1,300,000	1,300,000	
Beginning Nonlapsing	846,200	1,327,000	900,000	(427,000)
Closing Nonlapsing	(1,327,000)	(900,000)		900,000
<b>Total</b>	<b>\$4,588,000</b>	<b>\$4,670,900</b>	<b>\$5,214,000</b>	<b>\$543,100</b>
<b>Expenditures</b>				
Personal Services	4,062,900	4,228,000	4,217,600	(10,400)
In-State Travel	28,200	28,200	28,200	
Out of State Travel	2,400	2,400	3,000	600
Current Expense	369,200	287,000	872,800	585,800
DP Current Expense	125,300	125,300	92,400	(32,900)
<b>Total</b>	<b>\$4,588,000</b>	<b>\$4,670,900</b>	<b>\$5,214,000</b>	<b>\$543,100</b>
<b>FTE/Other</b>				
Total FTE	64.8	64.8	64.8	0.0
*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency.				

#### Purpose

The Child Protection Division of the Attorney General's office is the result of the passage of the Child Welfare Reform Act in the 1994 General Session. Under the Child Welfare Reform Act, the Attorney General represents the Division of Family Services in abuse and neglect cases.

Providing a safe living environment can involve something as drastic as permanently removing a child from an abusive home and making the child available for adoption. Usually it will involve other alternatives such as temporary shelter, foster care, or protective supervision of the child in his or her own home. All of these circumstances require court action and the involvement of the AG's office.

The Child Protection Division advises the Division of Child and Family Services (DCFS) regarding a decision to remove a child from his or her home; represents DCFS in all court and administrative proceedings related to child abuse, neglect, and dependency, including but not limited to shelter hearings, dispositional hearings, dispositional review hearings, periodic review hearings, and petitions for termination of parental rights; advises DCFS caseworkers on an ongoing basis; and represents the Division of Human Services Department of Licensing that issues licenses for social service programs, such as child care centers and residential treatment centers.

**3.10 Antitrust****Recommendation**

The Analyst recommends \$252,100 for Antitrust Prosecution.

	2002 Actual	2003 Estimated	2004 Analyst	Est/Analyst Difference
<b>Financing</b>				
Antitrust Revolving	228,400			
Attorney General Litigation Fund		252,100	252,100	
Beginning Nonlapsing	700	100		(100)
Closing Nonlapsing	(100)			
<b>Total</b>	<u>\$229,000</u>	<u>\$252,200</u>	<u>\$252,100</u>	<u>(\$100)</u>
<b>Expenditures</b>				
Personal Services	184,900	208,100	208,100	
In-State Travel	300	300	200	(100)
Out of State Travel	12,900	12,900	12,900	
Current Expense	30,000	30,000	30,000	
DP Current Expense	900	900	900	
<b>Total</b>	<u>\$229,000</u>	<u>\$252,200</u>	<u>\$252,100</u>	<u>(\$100)</u>
<b>FTE/Other</b>				
Total FTE	2.0	2.0	2.0	0.0
*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency.				

**Purpose**

The Antitrust Act allows the Attorney General to pursue antitrust cases. During the 2002 General Session, the Legislature transferred the funds from the Antitrust Revolving Account to the Attorney General Litigation Fund. Funds in this account are restricted for use in investigation and prosecution of antitrust litigation. Use of these funds is limited to amounts appropriated by the Legislature.

### 3.11 Children's Justice Centers

#### Recommendation

The Analyst recommends \$2,170,200 for the Children's Justice Centers.

	2002 Actual	2003 Estimated	2004 Analyst	Est/Analyst Difference
<b>Financing</b>				
General Fund	2,133,300	2,047,900	2,047,900	
Federal Funds	65,300	122,300	122,300	
Beginning Nonlapsing	67,100	88,200		(88,200)
Closing Nonlapsing	(88,200)			
<b>Total</b>	<b>\$2,177,500</b>	<b>\$2,258,400</b>	<b>\$2,170,200</b>	<b>(\$88,200)</b>
<b>Expenditures</b>				
Personal Services	275,100	300,000	300,000	
In-State Travel	2,200	2,200	2,200	
Out of State Travel	8,700	8,700	8,700	
Current Expense	1,882,900	1,938,900	1,850,700	(88,200)
DP Current Expense	8,600	8,600	8,600	
<b>Total</b>	<b>\$2,177,500</b>	<b>\$2,258,400</b>	<b>\$2,170,200</b>	<b>(\$88,200)</b>
<b>FTE/Other</b>				
Total FTE	6.8	6.8	6.8	0.0
*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency.				

#### Purpose

The Children's Justice Centers are homelike facilities that serve children who have been physically or sexually abused and who will be required to appear in court as witnesses against their abusers. A multi-disciplinary team coordinates the interview and investigation process. The CJC staff assesses the needs of the children and families for support services. The focus and function of the Children's Justice Centers is to coordinate all involved agencies to reduce trauma to the child and enhance communication and services for victims.

### 3.12 Obscenity and Pornography Complaints Ombudsman

**Recommendation** The Analyst recommends \$143,600 for the Obscenity and Pornography Complaints Ombudsman.

	2002 Actual	2003 Estimated	2004 Analyst	Est/Analyst Difference
<b>Financing</b>				
General Fund		143,600	143,600	
<b>Total</b>	\$0	\$143,600	\$143,600	\$0
<b>Expenditures</b>				
Personal Services		143,600	143,600	
<b>Total</b>	\$0	\$143,600	\$143,600	\$0
<b>FTE/Other</b>				
Total FTE	0.0	2.0	2.0	0.0
*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency.				

#### Purpose

The Obscenity and Pornography Complaints Ombudsman is charged with the responsibility to develop and maintain expertise in and understanding of laws designed to control or eliminate obscenity and pornography and the legal standards governing the regulation or elimination of obscenity and pornography. The Ombudsman has responsibility to advise citizens and local governments about remedies to address instances of obscenity and pornography in their communities; advise local governments about ways to strengthen local laws and ordinances addressing obscenity and pornography; advise local governments about strategies to restrict, suppress, or eliminate obscenity and pornography in their communities; and at the request of the attorney general or local government, assist a local government in investigating and prosecuting state and local laws and ordinances addressing obscenity or pornography.

The Attorney General released the Obscenity and Pornography Complaints Ombudsman from employment effective May 1, 2003. This program is a separate line item, and has \$143,600 in General Funds budgeted for FY 2004.

## 4.0 Additional Information: Attorney General

### 4.1 Funding History

	2000	2001	2002	2003	2004
<b>Financing</b>	<b>Actual</b>	<b>Actual</b>	<b>Actual</b>	<b>Estimated*</b>	<b>Analyst</b>
General Fund	16,473,200	17,669,700	18,840,900	16,898,700	16,872,400
General Fund, One-time				600,200	
General Fund Restricted	947,900	1,283,600	1,277,000	1,106,400	1,108,000
Federal Funds	189,800	1,084,500	728,500	1,240,300	1,240,300
Dedicated Credits	10,263,600	12,242,200	12,679,300	11,395,800	11,615,800
Trust and Agency Funds	154,500	159,900	228,400	252,100	252,100
Transfers	170,700	201,800	173,300	37,200	37,200
Beginning Balance	234,900	71,000	429,900	1,482,500	900,000
Closing Balance	(71,000)	(430,000)	(1,482,500)	(900,000)	
Lapsing Balance			(31,600)		
<b>Total</b>	<b>\$28,363,600</b>	<b>\$32,282,700</b>	<b>\$32,843,200</b>	<b>\$32,113,200</b>	<b>\$32,025,800</b>
<b>Programs</b>					
Attorney General	25,546,300	27,904,000	29,512,000	28,743,700	28,802,800
Contract Attorneys	492,300	1,820,300	643,800	300,000	300,000
Children's Justice Centers	1,694,300	1,999,300	2,177,500	2,258,400	2,170,200
Prosecution Council	536,100	490,500	425,500	588,500	530,700
Domestic Violence	94,600	68,600	84,400	79,000	78,500
Obscenity and Pornography Ombudsman				143,600	143,600
<b>Total</b>	<b>\$28,363,600</b>	<b>\$32,282,700</b>	<b>\$32,843,200</b>	<b>\$32,113,200</b>	<b>\$32,025,800</b>
<b>Expenditures</b>					
Personal Services	23,066,800	25,413,900	26,639,200	26,817,000	26,922,800
In-State Travel	182,900	137,100	121,900	122,900	121,300
Out of State Travel	122,500	150,100	115,600	116,600	124,600
Current Expense	4,144,000	6,175,200	5,250,800	4,391,700	4,390,000
DP Current Expense	758,600	399,800	715,700	665,000	467,100
DP Capital Outlay	88,800	6,600			
<b>Total</b>	<b>\$28,363,600</b>	<b>\$32,282,700</b>	<b>\$32,843,200</b>	<b>\$32,113,200</b>	<b>\$32,025,800</b>
<b>FTE/Other</b>					
Total FTE	387.5	412.3	389.8	391.8	391.8
Vehicles	0.0	30.0	30.0	30.0	30.0

\*General and school funds as revised by Supplemental Bills I-V, 2002 General and Special Sessions. Other funds as estimated by agency.



